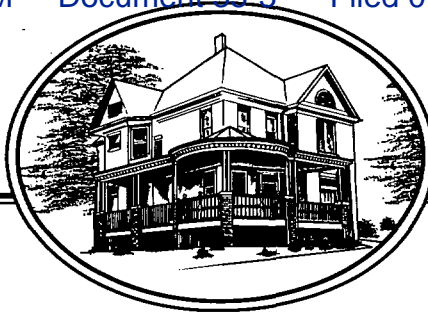


MEYER & WAGNER
LAW OFFICES



JAMES A. MEYER
THOMAS G. WAGNER



218310

December 14, 2006

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K. Street, NW
Mercury Building #711
Washington, DC 20423-0001

IN RE: Allegheny & Eastern Railroad, Inc.
Docket No. AB-854 (X)

ENTERED
Office of Proceedings

DEC 19 2006

Part of
Public Record

Dear Mr.

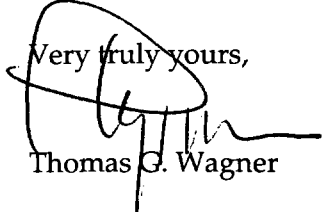
Enclosed for filing in the above captioned matter you will find the following:

A. Assignment of Rights and Obligations from the Counties of Cameron and Elk, Pennsylvania, to the West Creek Recreational Trail Association, Inc.

B. Statement of Willingness to Assume Financial Responsibility from West Creek Recreational Trail Association, Inc.

You will note that this assignment is effective January 1, 2007. Please mark your records accordingly.

Very truly yours,


Thomas G. Wagner

TGW/dlh

cc: Cliff Clark

Eric Hocky, Esq.

218310



BEFORE THE SURFACE TRANSPORTATION BOARD

IN RE: ALLEGHENY & EASTERN RAILROAD, INC. : DOCKET NO. AB-854(X)

ASSIGNMENT OF RIGHTS AND OBLIGATIONS

The Counties of Cameron and Elk, Pennsylvania, hereby assign and transfer to West Creek Recreational Trail Association, Inc., a Pennsylvania corporation, all of their respective rights and obligations to the use, operation and maintenance of the right of way owned by Buffalo & Pittsburgh Railroad, Inc., as successor by merger to Allegheny & Eastern Railroad, Inc., and formerly operated by Allegheny & Eastern Railroad, Inc., known as Emporium/St. Marys Branch, extending from Railroad Mile Post 131 near St. Marys in Elk County to Railroad Mile Post 149.9 southeast of Emporium in Cameron County, a distance of 19.0 miles in Elk and Cameron Counties, Pennsylvania.

This Assignment shall be effective January 1, 2007.

INTENDING TO BE LEGALLY BOUND, this document has been duly executed on the date set forth below.

COUNTY OF CAMERON

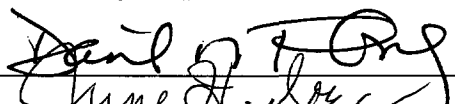


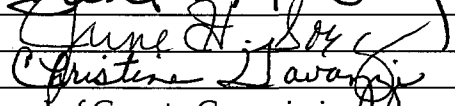


Board of County Commissioners

Date: 12/5/06

COUNTY OF ELK





Board of County Commissioners

Date: 12/13/06

ENTERED
Office of Proceedings
DEC 19 2006
Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD

IN RE: ALLEGHENY & EASTERN RAILROAD, INC. : DOCKET NO. AB-854(X)

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

TO THE SURFACE TRANSPORTATION BOARD:

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, West Creek Recreational Trail Association, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Buffalo & Pittsburgh Railroad, Inc., as successors by merger to Allegheny & Eastern Railroad, Inc., and formerly operated by Allegheny & Eastern Railroad, Inc. The property, known as Emporium/St. Marys branch extends from railroad milepost 131 near St. Marys in Elk County to railroad milepost 149.9 southeast of Emporium in Cameron County, a distance of 18.9 miles in Elk and Cameron Counties, Pennsylvania. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. AB-854(X).

A map of the property depicting the right-of-way is attached. West Creek Recreational Trail Association, Inc., acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

WEST CREEK RECREATIONAL TRAIL ASSOCIATION, INC.

By: Arthur M. Clark
President

Attest: [Signature]
Secretary

37533 SERVICE DATE – LATE RELEASE DECEMBER 29, 2006
DO

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE AND ABANDONMENT

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
ELK AND CAMERON COUNTIES, PA

Decided: December 29, 2006

Allegheny & Eastern Railroad, Inc. (A&E),¹ filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003 (October 30 decision), the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was authorized to negotiate an interim trail use/rail banking agreement with A&E for the right-of-way in this proceeding, pursuant to the National Trails System Act, 16 U.S.C. 1247(d).² The negotiating period under the NITU was extended several times, with the latest extension expiring on January 13, 2007.

On November 6, 2006, Elk County filed a request for the substitution of the West Creek Recreational Trail Association, Inc. (WCRTA), as the party that will be responsible for representing interim trail use/rail banking managerial matters before the Board.³ On

¹ As of January 1, 2004, A&E was authorized to be merged into Buffalo & Pittsburgh Railroad, Inc. (BPRR), with BPRR as the surviving entity.

² The October 30 decision also made the exemption subject to a public use condition, a historic preservation condition, and two environmental conditions. The public use condition expired on April 28, 2004, and may not be extended. The section 106 historic preservation condition was removed by decision served on December 1, 2003. The two environmental conditions remain in effect.

³ By letter filed on November 15, 2006, A&E stated that it is agreeable to Elk County's request to substitute WCRTA as the new trail user, provided that Elk County and WCRTA comply with the requirements at 49 CFR 1152.29(f).

STB Docket No. AB-854X

December 19, 2006, WCRTA submitted: (1) an assignment to WCRTA of Cameron County's and Elk County's rights and obligations as interim trail user; and (2) a statement of willingness to assume financial responsibility for interim trail use and rail banking in compliance with 49 CFR 1152.29. WCRTA also acknowledged that the right-of-way as a trail is subject to possible future reconstruction and reactivation of the right-of-way for rail service. Although the parties did not submit a copy of the extant NITU, their submission substantially meets the requirements of 49 CFR 1152.29(f). WCRTA requests that the authorization be made effective on January 1, 2007. Accordingly, the request will be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU served on October 30, 2003, is vacated.
3. A replacement NITU applicable to WCRTA as interim trail user is issued, effective on January 1, 2007, as requested, subject to the environmental conditions that remain in effect.
4. The new trail user is required to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user's continuing to meet the financial obligations for the right-of-way.
6. If the new trail user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
7. This decision and notice is effective on its date of service.

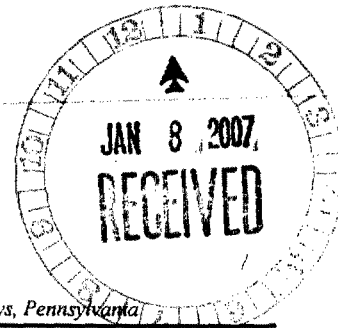
By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary

218383

West Creek Recreational Trail Association

301 Chestnut Street
Emporium, PA 15834
(814) 486-3439
(814) 486-2716 FAX



Dedicated to the development and management of a multi-use recreational trail from Emporium to St. Marys, Pennsylvania

January 2, 2007

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Mercury Building #711
Washington, DC 20423-0001

FILING FEE WAIVED

Re: Allegheny and Eastern Railroad, Inc. Rail Abandonment Exemption, Cameron and Elk Counties, Pennsylvania; STB Docket No. AB-854X

Dear Mr. Williams:

In reference to the above which proposes the abandonment of the 18.9 mile rail corridor extending from Emporium, Cameron County, PA to St. Marys, Elk County, PA, on October 28, 2003, the Surface Transportation Board granted a Notice of Interim Trail Use to the Counties of Cameron and Elk for a period of 180 days. Cameron and Elk Counties since that time have requested and have been granted a series of extensions to the interim trail use period with the most recent extension to expire January 13, 2007.

In November 2006, Elk and Cameron Counties resolved to authorize the West Creek Recreational Trail Association (hereinafter, the Association) to be the party responsible for representing matters before the Surface Transportation Board. In December 2006, Elk and Cameron Counties transferred the rights and obligations of the corridor to the Association and the Association assumed the financial and legal responsibility of the corridor to be effective January 1, 2007.

The Association is continuing the negotiations with Allegheny and Eastern Railroad to acquire the corridor, however, an agreement has not yet been reached and likely will not be reached by January 13, 2007. Allegheny and Eastern has indicated its willingness to continue negotiations. The Association is therefore requesting a 90 day extension to expire April 13, 2007.

The Association is forwarding a copy of this letter to Mr. David Collins, President of Allegheny and Eastern Railroad, 1200-C Scottsville Road, Rochester, NY, 14624, requesting that Allegheny and Eastern Railroad notify the Surface Transportation Board of its willingness to continue negotiations with the Association to acquire the corridor.

Thank you for your consideration. An additional ten (10) copies of this letter are enclosed for the Board's use.

Respectfully submitted,

Cliff Clark
President

cc: David Collins - Allegheny and Eastern Railroad
Eric Hocky - Gollatz, Griffin, and Ewing

ENTERED
Office of Proceedings

JAN 8 - 2007

Part of
Public Record
Troha v. US, No. 05-cv-00191
Defendant's Exhibit 6

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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

ERIC M. HOCKY
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emhocky@ggelaw.com

January 10, 2007
VIA: Electronic Filing

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Allegheny & Eastern Railroad, Inc. -
Abandonment Exemption - In Elk and Cameron Counties
Docket No. AB-854 (X)

Dear Secretary Williams:

I am writing on behalf of the Applicant to respond to the letter from West Creek Recreational Trail Association, filed with the Board on January 8, 2007, requesting an extension of the Notice of Interim Trail Use for a period of 90 days from the current expiration date of January 13, 2007, until April 13, 2007.

Applicant hereby advises the Board that it is agreeable to the request to extend the period to negotiate an interim trail use and railbanking agreement with West Creek Recreational Trail Association.

Please let us know if you need any additional information.

Respectfully,


ERIC M. HOCKY

cc: West Creek Recreational Trail Association (by email)

37695
DO

SERVICE DATE – LATE RELEASE JANUARY 12, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY AND EASTERN RAILROAD, INC.—ABANDONMENT EXEMPTION—IN
ELK AND CAMERON COUNTIES, PA

Decided: January 12, 2007

Allegheny & Eastern Railroad, Inc. (A&E),¹ filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2003 (October 30 decision), the proceeding was reopened and the County of Cameron, in cooperation with the County of Elk, was authorized to negotiate an interim trail use/rail banking agreement with A&E for the right-of-way in this proceeding, pursuant to the National Trails System Act, 16 U.S.C. 1247(d).² The negotiating period under the NITU was extended several times, with the latest extension expiring on January 13, 2007. By decision and notice of interim trail use or abandonment served on December 29, 2006 (December 29 decision), the proceeding was reopened and a replacement NITU applicable to the West Creek Recreational Trail Association, Inc. (WCRTA), as interim trail user was issued.³

¹ As of January 1, 2004, A&E merged with Buffalo & Pittsburgh Railroad, Inc. (BPRR), with BPRR as the surviving entity.

² The October 30 decision also made the exemption subject to a public use condition, a historic preservation condition, and two environmental conditions. The public use condition expired on April 28, 2004, and may not be extended. The section 106 historic preservation condition was removed by decision served on December 1, 2003. The two environmental conditions remain in effect.

³ The December 29 decision also vacated the NITU granted in the October 30 decision.

STB Docket No. AB-854X

On January 8, 2007, WCRTA filed a request to extend the NITU negotiating period for 90 days, until April 13, 2007. WCRTA states that it is continuing to negotiate with A&E, but more time is needed to complete negotiations. WCRTA also states that A&E is willing to continue negotiations.

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended.⁴ An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act. Accordingly, the NITU negotiating period will be extended for 90 days from January 13, 2007, until April 13, 2007.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. WCRTA's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 90 days, until April 13, 2007.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

⁴ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).